

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

)

)

)

)

MDL NO. 2327

THIS DOCUMENT RELATES TO:

)

)

AMENDED QUALIFIED PROTECTIVE ORDER

The individuals listed on attached Exhibit A have asserted claims in the above captioned action.

These individuals have retained the following attorney(s), Johnson Law Group (“Counsel”) to represent them in the above-captioned action. Counsel agrees that they represent the individuals listed next to their names in Exhibit A.

IT IS HEREBY ORDERED AS FOLLOWS:

1. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall resolve any potential Part A and/or Part B fee for service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were Medicare beneficiaries.
2. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall also resolve any potential state Medicaid, Tricare, Veteran’s Administration, and/or Indian Health Services (hereinafter “the Agencies”) claim(s) related to settlements, judgments, awards, or other payments associated with the above

captioned action for those individuals on Exhibit A that are or were beneficiaries of the Agencies. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit protected health information regarding the plaintiffs to Counsel, including any third party authorized by Counsel to assist in the resolution of the Agencies' potential liens and reimbursement claims. As such, it is hereby ordered:

- a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from Plaintiffs by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify plaintiffs; (b) eligibility and entitlement information; (c) claims information relating to the past, present, or future health care of plaintiffs; (d) claims information relating to the provision of healthcare to plaintiffs; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to plaintiffs.
- b. Each Agency is hereby authorized and directed to transmit to Counsel, including any third-party specifically authorized by Counsel to assist in the resolution of potential liens or reimbursement claims, any information, including claims

information and other protected health information, for those plaintiffs listed on Exhibit A against whom they may assert liens or reimbursement claims.

- c. Counsel, including any authorized third party acting on their behalf, shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation. Similarly, the Agencies shall only use the information listed on Exhibit A for the specific purposes of transmitting to Counsel any information, including claims information and other protected health information, for those plaintiffs in the above-captioned matter against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information listed on Exhibit A available to those within their respective Agency who need access to the information listed on Exhibit A for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.
- d. Counsel, including any authorized third party acting on their behalf, shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by Counsel with respect to its own confidential proprietary information.

- e. At the conclusion of this litigation, Counsel shall certify to the Agencies that the protected health information or individually identifiable health information, including all copies made, has been destroyed.

IT IS SO ORDERED.

SIGNED AND ENTERED this ____ day of _____, 2019.

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Plaintiff Name (Last)	Plaintiff Name (First)
Hart	Vala
Farris	Katherine
Stewart	Traci
Giannone	Jennifer
Mcarthur	Denise
Sanders	Cynthia
Meredith	Yvonne
Diggle	Kathleen
Quinn	Alice
Hanson	Tammy
Nieves	Rosaura
Smith	Cindy
Brady	Rebecca
Poss	Diania
Villegas	Kyle
Allison	Shannon
Popok	Christine
Leslie	Mellanie
Dozier	Krystal
Reisdorf	Sandra
Floyd	Carol
Meyer	Jan
Kensey	Blanche
Edwards	Cheilon
Catt	Elizabeth
Schrader	Gwendolyn
Garrison	Patricia
Rowe	Betty
Walker	Leshny
Asire	Debra
Mutterspaugh	Mary
Saunders	Bonnie
Sacks	Lori
Grant	Angela
Crow	Wendy
Schroder	Cathy
Monroe	Wanda
Dawson	Patricia
Roche	Debra
Bell	Beverly

Lenderman	Stephanie
Trammell	Genora
Haley	Janice
Broxterman	Romona
Hilbert	Hazel
Pawlik	Jennifer
Compton	Donna
Eckl	Marcia
Myers	Martha
Swafford	Cindy
Blair	Bambi
Valenzuela	Erin
Fluegge	Arlene
Hunter	Alicia
Gelowicz	Cindy
Brown	Sara
Brickey	Sue
Gilleland	Connie
Tsukas	Tracy
Wiehle	Kelly
Heydasch	Sally
Jennings	Tammy
Childress	Marie
Shelly	Debra
Brown	Sommar
Whited	Donna
Forrester	Leslie
Gowen	April
Wilson	Carolyn
Sommers	Miriam
Neal	Lisa
Trejo	Renee
Ishmael	Mary
Cardon	Dessa
Fitzpatrick	Deborah
Jones	Joan
Dybvig	Mary
Conkin	Maria
Williams	Marsha
Fugatt	Tammy
Rainwater	Catherine
Rosamond	Brandi

Hallman	Brenda
Duty	Mary
Lynn	Stacy
Appleby	Linda
Bolinger	Sherri
Anderson	Marlene
Mundell	Faith
Reece	Teresa
Chambers	Rebecca
Romero	Nancy